

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PETER KIEWIT SONS', INC.,	)	
	)	
Plaintiff,	)	8:10CV365
	)	
v.	)	
	)	
WALL STREET EQUITY GROUP, INC.,	)	MEMORANDUM AND ORDER
WALL STREET GROUP OF	)	
COMPANIES, INC., SHEPHERD	)	
FRIEDMAN, and STEVEN S. WEST,	)	
	)	
Defendants.	)	

Defense counsel has filed a notice of unavailability. Filing No. 225. The notice sets forth when defense counsel will be unavailable to work on this case or respond to the court or opposing counsel for the upcoming year. The notice states:

The filing and service of this Notice shall constitute an application and request for continuance, extension of time and/or protective order as appropriately required for the above reasons.

Filing No. 225, p. 2. Defense counsel's notice of unavailability does not identify any current scheduling controversy that is ripe for adjudication at this time.

In this court, requests for continuances and/or for a protective order are handled on an issue-by-issue basis; this court does not have the resources to maintain, and does not maintain a calendar of the possible scheduling conflicts for the attorneys who appear before it. It is the responsibility of counsel (either personally or through office staff), to contact opposing counsel and/or the court, or be accessible to opposing counsel and/or the court, should a scheduling issue arise. Accordingly,

IT IS ORDERED:

- 1) To the extent defense counsel's notice of unavailability is a standing motion for a continuance or for a protective order if plaintiff's counsel or this court later creates scheduling conflicts for defense counsel during the time periods identified in her notice of unavailability, the motion is denied.

- 2) This order does not in any way prohibit or hinder defense counsel from filing a motion to continue or for protective order when and if scheduling issues actually arise.

DATED this 1st day of February, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge